

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 172, FOOD AND DRUGS ACT.

MISBRANDING OF STOCK FEED.

In accordance with the provisions of Section 4 of the Food and Drugs Act of June 30, 1906, and of Regulation 6 of the rules and regulations for the enforcement of the Act, notice is given that on the 26th day of October, 1909, in the District Court of the United States for the Eastern District of Wisconsin, a judgment was entered in the case of the United States against the Charles A. Krause Milling Co., a corporation, a prosecution upon an information, in substance charging said defendant corporation with having shipped and caused to be shipped from the city of Milwaukee, in the state of Wisconsin, to the city of Raleigh, in the state of North Carolina, a quantity of a certain article of food labeled and branded: "100 lbs. Protein 16-18%; Fat $3\frac{1}{2}$ - $4\frac{1}{2}$ %; Carbohydrates 58%; Fibre 12%; Badger Dairy Feed, The Perfect Balanced Ration, Manufactured by Chas. A. Krause Milling Co., Milwaukee, U. S. A.," which was misbranded in that said label bore statements regarding said article, and ingredients and substances therein contained, which statements were false and misleading for the reason that the said feed contained less than 16 percent of protein and less than $3\frac{1}{2}$ percent fat.

The defendant pleaded guilty to the above information on the date aforesaid, and was fined \$25.

The facts on which this prosecution was based were as follows: On or about February 17, 1909, an inspector in the United States Department of Agriculture purchased from F. B. Philips at Raleigh, North Carolina, a sample of the product labeled as above described, which had been shipped to said dealer from Milwaukee, Wisconsin, by the Charles A. Krause Milling Co. This sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture and found to contain less protein and less fat than declared on the

label. The said F. B. Philips and the said Chas. A. Krause Milling Co. were duly notified that said product was misbranded in the particulars above stated and were given an opportunity to be heard and were heard in regard to said misbranding.

It appearing from the said analysis that there had been a violation of the Act, the Secretary of Agriculture, on September 9, 1909, reported the facts to the Attorney General, by whom they were referred to the United States Attorney for the Eastern District of Wisconsin, who filed the above information with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 28, 1910.*

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